

BEFORE THE STATE ELECTRICAL BOARD
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment)
of ARM 24.141.401 pertaining)
to board meetings, ARM 24.141.402)
pertaining to apprentice)
registration, ARM 24.141.405)
pertaining to fee schedule,)
ARM 24.141.502 pertaining to)
temporary practice permits, and)
ARM 24.141.503 pertaining to)
examinations)

TO: All Concerned Persons

1. On July 14, 2005, the State Electrical Board published MAR Notice No. 24-141-30 regarding the public hearing on the proposed amendment of the above-stated rules at page 1219 of the 2005 Montana Administrative Register, issue no. 13.

2. On August 11, 2005, at 9:00 a.m., a public hearing was conducted in Helena, Montana, and two members of the public spoke at the public hearing. In addition, three written comments were received prior to the closing of the comment period.

3. The State Electrical Board (Board) has thoroughly considered all of the comments made. A summary of the comments received and the Board's responses are as follows:

Comment 1: Mr. J. Michael Scott stated he felt "any copyrighted book should be permitted in the examination. The NEC is not always the most self-explanatory reference book for the practitioner."

Response 1: The Board believes there is no need for any other book, and the examination is taken exclusively from the NEC codebook. In addition, it would be too difficult for those involved in monitoring the examinations to review more than the one relevant book (NEC) for inappropriate notes and commentary.

Comment 2: Mr. Scott also stated "that all commercial projects over 3,000 square feet should be designed by a registered electrical engineer."

Response 2: The Board notes that requiring commercial projects of over 3,000 square feet to be designed by an electrical engineer is outside the scope of the proposed rulemaking, and thus the Board is unable to take any final

action on the suggestion. The topic may be addressed at sometime in the future, however.

Comment 3: Mr. Michael H. Lindquist commented he was requesting that the Electrician's Handbook of Examples and Formulas and UGLY's Electrical References be included as approved materials for examinations.

Response 3: The Board believes that the response for Comment 1 is applicable to this comment as well.

Comment 4: Mr. Tom Webber commented that he was advised by his attorney that it was legal to have his own apprenticeship program so long as it meets or exceeds the State's program. He also felt it was unfair to limit the choice of apprenticeship programs to the state only.

Response 4: The Board agrees that Mr. Webber can operate his own apprenticeship program. The Department of Labor and Industry Apprenticeship and Training Program will register any apprenticeship program that meets or exceeds the standards recognized by the Department, whether that program is privately sponsored by an individual employer, by a group of employers, or by one or more labor organizations. In addition, the Board's rule allows the Board to recognize any apprenticeship program that is equivalent to Montana's registered programs. The Board concludes that its rule provides for alternatives to Montana-registered apprenticeship programs and agreements.

Comment 5: Mr. Keith Allen and Roy Symons testified in full support of the proposed amendments.

Response 5: The Board took this opportunity to thank all of the commenters and witnesses for their input. It is only after receipt of information from the public and from the industry that the Board can make the best decision in these types of matters.

4. The Board has amended ARM 24.141.401, 24.141.402, 24.141.405, 24.141.502, and 24.141.503 exactly as proposed.

STATE ELECTRICAL BOARD
TONY MARTEL, PRESIDENT

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State November 28, 2005

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